

or ruinous party walls, which are of sufficient thickness.

If both owners cannot agree, the one (A) is to give three months' notice to the other (B). A is to name two surveyors on his part; B is to name two surveyors or able workmen on his part. If they meet and agree that it is ruinous, they so certify; but, if B should not name two persons, A has to name two others in addition to the first two, who are to view and certify within six days.

If, however, they should not agree, the magistrates are to appoint one other. The five are then to meet within six days after notice; and, if the majority certify that it is ruinous, or unsafe against fire, a copy of the certificate is to be left at B's house, and another filed with the clerk of the peace.

The business then has to wait until the next general or quarter sessions for appeal. If the justices, upon hearing evidence, affirm the certificate, their decision is final, and, in fourteen days afterwards, A may pull down and rebuild.

The whole process will occupy five or six months. The besetting vice of all this is, that the surveyors or workmen are partisans, not judges. Had the law provided that three district surveyors (not be of the district) and none other should view and certify, it is highly probable that not half a tithe of the injustice, as to the condemnation of party walls, which has been perpetrated under the guise of law by partisans, would ever have occurred.

As to the loss of time which ensues between the first notice and the final condemnation, it is no good cause of complaint. Can it for a moment be maintained that three months is too long a time for the tenant, upon whom the notice is served, to find out the owner, who may be abroad, or under some legal disability, and then for the owner to consult with his professional advisers? Rather is it a time to be maintained, or increased, rather than abridged.

Take clause 93 of the Bill. As to decayed or defective party walls.

If the owners cannot agree, the owner who intends to build (A) is to give six weeks' notice of his intention to the adjoining owner (B). It is then to be referred to three official referees, who, within ten days after the six weeks, are to view and certify if all, or any part of it, be ruinous, or insecure against fire. A copy of the certificate is to be delivered to B within three days, and filed with the clerk of the peace. But A is not to begin to pull down without B's consent, until six months from the date of the first notice.

So that no time is saved. The introduction, however, of three skilful, unprejudiced men, as surveyors, is a very great and valuable improvement.

But it is defective in so far as there is no appeal.

Whether three men are sufficient for all the metropolis, or whether it be fit that any three men should be invested with such power as is to be vested in the official referees, may be matter of future consideration.

Take 14th Geo. 3, cap. 78, sec. 40. If there be no party-wall, but only one of two timber partitions between houses, if either owner intend to rebuild, he is to give three months' notice to the adjoining owner; and, after the expiration of the three months, he may pull down and rebuild.

Take clause 94 of the Bill. Timber partitions may remain until one of the houses shall be rebuilt, or one of the fronts be taken down one floor, or one-fourth of the front above the second floor (ground floor). But, if either owner should desire to replace such timber partition by a party wall, he shall give six months' notice, and may then after begin to pull down and rebuild.

In thus replacing a timber partition by a party wall, independent of the dislocation of the timbering of both houses, and the hastening of their destruction, there will be this evil:

Being ancient, the rooms are low; it may be only seven feet. The party wall, built by A, against the wall of B, will be built to suit the existing heights; the chimneys will also be so rebuilt. Suppose that B's house be subsequently destroyed by fire. In rebuilding he must make the rooms eight feet high at least: he may wish to make them ten or twelve feet clear. To do so he must cut away the chimneys at the risk of rendering the wall ruinous, and having to rebuild, wholly at his own cost, that which was unfit for his purpose, and was built against his will; or he must abandon it wholly and lose his ground; or, it may well be that the party wall built of due thickness by A, for the then existing height, is too thin for the same number of stories in a modern house, and B must build low rooms again or lose his wall and ground.

In such a case as this, A might well, for his own whim, be obliged to build an external wall against the timber partition, and B be obliged, at once, to pay for half its materials and the ground on which it stands.

Take the Bill, clause 102. If an owner intends partially or entirely to pull down his house, he is

to give one month's notice to the adjoining owner of any other house separated from his own by a party wall, if such party wall shall not be ruinous or defective, and may then pull down and rebuild; but he must shore up and secure the adjoining house, both on the outside and inside, and make good any damage done to it.

This, at first sight, reads well, yet does it require very serious consideration; for, if I be not mistaken, it is contrary to the holding of the ablest judges, who say that every man is bound to protect his own property, upon receiving sufficient notice. The grievance on the one hand, of having to shore up and to spoil a newly-decorated house, to be annoyed by workmen, and to pay the plier besides, is an heavy, that protection is seriously needed. On the responsibility and cost thrown upon the builder of a house, and the probability of being called upon to do much more work, as reinstatement, than has been injured; and the almost inevitable occurrence of a bitter quarrel, if not a lasting enmity, for "trifles light as air," are things of no little moment. To do so much right, and to avoid as much wrong, as possible, it might be advisable to render it imperative upon the re-builder to perform all external shoring, to make good all external injury, and also all internal injury. If the walls should yield and fracture occur, but to leave the next owner to do as he may think fit internally. And, fairly to protect the re-builder against all onerous claims. It would be well to give him power of entry upon the adjoining premises (with a peace officer, should that be requisite), to take account of the state of the place prior to beginning to pull down; for it is marvellous to hear of the unfounded claims which are, from ignorance, often conscientiously made upon builders.

Clause 98 of the Bill, as to intermixed properties, chiefly varies from sec. 33 of 14th Geo. 3, cap. 78, in placing the official referees in place of the intervention of a jury, to hear evidence, to determine the sites of party walls and the arrangement of party arches, and to award compensation where it may be justly due, and in not allowing the builder to begin until six months after the first notice.

The appointment of experienced, uninterested, professional men, instead of inexperienced, not to say partial, jurymen, is a manifest improvement, but the stipulation as to time needs some revision. It has happened, and may happen again, that one building has fallen, and left the intermixed rooms of another house in extreme jeopardy; and the lawyers may again hold, that the first-mentioned house could not be called ruinous, because that it had altogether fallen down and become no house at all, and that the law did therefore not apply to the case. To leave the house of a person who may desire to act uprightly, but lacks authority, in such a state for six months, would be so grievous an injury, that it is fairly to be hoped the promoters of the Bill will at once correct the clause, so as to make it meet such cases, and give the public prompt and cheap justice.

As to clause 99 of the Bill. If it really be wise to rate houses by the height only, then the law, to render itself effective, must necessarily interdict them from ever being increased in height. But I strongly think that the principle of rating by the height only is shown to be unwise, by the very circumstance of such interdict being necessary.

A prudent man, just beginning the world, may, upon a confined piece of ground, build a fourth-rate house, with its fourteen-inch walls. As years roll on, his business and his family increase; space becomes necessary. The narrow limit of the ground forbids increase upon the plan, and he cannot add another story, because the party walls are not too bricks thick; he cannot add another half or whole brick, drawing courses and bonding the new to the old, for that is forbidden by clause 19; he cannot pull down and rebuild the party walls, there he is stopped by clause 90; and the only resource left is the building external walls against both the party walls, at a sacrifice of ground, at the loss of valuable space, and at the fearful risk of injuring the party walls by cutting off the footings and chimney breasts (for it is evidently contemplated that to build a fourteen-inch wall between the old chimney-breasts ought not to be allowed) and having to rebuild them at his own cost.

To guard against such a disastrous consequence, and in almost every case to escape from the onerous provisions as to party walls, it may be found a prudent and advantageous course to build every one of a row of houses wholly with external walls. I am sure it would be so if each house should be as large as the intended law will allow; but in the third and fourth-rates of the existing Act it would be a cruel alternative.

Sensible, Sir, that upon so dry, albeit so important a subject, I have trespassed already too much upon your spare and the patience of your readers, I will, with your leave, endeavour to consider the momentous question of payment for party walls in another paper. It is too important to be cursoryly treated; and I beg to express a hope that every builder who may have thought my scribbling worthy of attention, will bring all the best energies of his mind to bear upon the subject, that he may be prepared calmly to consider, and disinterestedly to arrive at a just conclusion, either with me or against me.

I am, Sir, your much obliged servant,
A. BRICKMAY.

TO THE EDITOR OF THE BUILDER.

SIR,—I hasten to offer you my promised assistance, by sending a paper on "The Cross" for insertion in your periodical. As the subject is not strictly architectural, it remains for you to decide whether it be suitable to occupy the honourable situation allotted to me, and so to figure in THE BUILDER.

June 1st, 1813.

Your well-wisher
P.P.

THE CROSS.



So thoroughly were the minds of our Catholic forefathers imbued with the spirit of their religion, that whatever work they undertook, trifling or of great moment, they left behind them some traces of its all-powerful influence.

Thus, their architecture, by its simplest forms and most elaborate decorations, shadowed forth the articles of belief, the hatefulness of vice, and the blessedness of virtue, thereby inducing contemplation, and thus becoming the mother of solemn and holy reflections.

In the middle ages, churches were almost the only books by which the people were instructed;—they contained the representation of their faith, and the lives of pious saints and martyrs, in characters the least difficult to be comprehended, viz. in the glowing lights, frescoed walls, chaste sculpture, and other imagery with which they abounded.

Nowhere is this zeal of the church for the religious welfare of her children more plainly evinced than in the continual introduction of the emblem of salvation wherever it could be placed with propriety. The cross surmounting the heavenward-pointing spire signified, that through it alone could be attained the mansion of eternal bliss. On the summit of the high-pitched gable, it proclaimed a building dedicated to a holy worship; and oft, when all around was dusky and dim, it rose in sharp outline on the evening sky, reminding the returning peasant of his evening devotions, and filling his bosom with calm and peaceful thoughts.

Under what sign could the Christian more reasonably desire to repose in his last and lowly bed, than beneath that of his redemption? How much more impressive, because more unpretending, is the simple floriated cross on the coped coffin of the twelfth or thirteenth centuries, than the proud and gorgeous tomb of the Tudor period, rich in all that art can bestow. The contrast is between humility and pride. Not only was the cross used for consecrated places and purposes, but in many transactions of ordinary life, and in a variety of situations;—it witnessed the most binding public treaties and private contracts; it formed the boundary-stone of civil and ecclesiastical property—that sacred landmark which we are so expressly forbidden to remove; it reared its humble form in every market town, where busy crowds so oft assembled; by its presence to preserve them from the little dishonesties of trade, and to carry the restraining spirit of religion into their daily walks and transactions; lastly, it afforded rest and protection to the weary traveller, and often, at the same time, surmounted a well where he might refresh himself with quishing waters. This last is beautifully noticed by Sir Walter Scott in "Marmion."

"Behold her mark,

A little fountain cell,

Where water, clear as diamond spark,

In a stone basin fell;

Above, some half-worm letters say,

'Drink, weary pilgrim, drink and pray,

For the poor soul of Sybil Grey,

Who built this cross and well."

It will be unnecessary to dwell long on the antiquity of the use of the cross. Let it suffice to state, that the walls which beared the devotions of the primitive Christians, when bloody persecutions compelled them to worship God in the catacombs